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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)
CONTINUATION PATENT APPLICATION BASED ON
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Frederic P. Field et al.
Serial No.: 10/039,601
Filing Date: 10/19/2001
Title: SURGICAL SUTURING INSTRUMENT AND METHOD
OF USE
Group Art Unit: 3731
Examiner: Gary Jackson
Attorney's Docket No.: ONUX-17

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 10/039,601, filed 10/19/2001 by Frederic P. Field et al. for SURGICAL SUTURING INSTRUMENT AND METHOD OF USE.

Submitted with this request are the following:

1. A true copy of said prior application Serial No. 10/039,601 (including specification, claims, drawings, and an unsigned Declaration and Power of Attorney) as originally filed;
2. A copy of RESPONSE TO OUTSTANDING NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION - FILING DATE GRANTED, including a signed Declaration and Power of Attorney, a substitute set of drawings, and a Duplicate Copy of Notice to File Missing Parts;
3. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said pending prior application Serial No. 10/039,601 is a complete and true copy;

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4. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of parent application Serial No. 10/039,601, filed 10/19/2001 by Frederic P. Field et al. for SURGICAL SUTURING INSTRUMENT AND METHOD OF USE; and

5. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on December 16, 2003 as provided for under 37 CFR 1.10.

The Power of Attorney in the pending prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, Scott R. Foster, Registration No. 20,570, and James A. Sheridan, Registration No. 43,114, or any of them, all of 470 Totten Pond Road, Waltham, MA 02451-1914 (Telephone No. 781-290-0060).

The inventors named in this continuation application are the same inventors named in the prior application Serial No. 10/039,601.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

A duplicate copy of this letter is enclosed for filing in said prior copending application.

All communications in this matter should be addressed to:

Mark J. Pandiscio
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, Massachusetts 02154.

Thank you.

Respectfully submitted,

Mark Pandiscio 12/16/03

Mark J. Pandiscio
Registration No. 30,883
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, MA 02451-1914
Tel (781) 290-0060
Fax (781) 290-4840

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing is the patent application of:

Inventor: Frederic P. Field et al.

For: SURGICAL SUTURING INSTRUMENT AND METHOD OF USE.

Enclosed are:

- 37 sheets of drawings.
 An assignment of the invention to: _____
 A verified statement to establish small entity status.
 REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION.

The filing fee has been calculated as shown below:

For:	No. Filed	No. Extra	Small Entity		Large Entity	
			Rate	Fee	Rate	Fee
Basic Fee				\$385.00		\$770.00
Total Claims	37 - 20	17	x \$ 9.00	\$153.00	x \$18.00	0.00
Ind. Claims	4 - 3	1	x \$43.00	\$43.00	x \$ 86.00	0.00
Mult. Claims			+ \$145.00		+ \$290.00	
			Total	\$581.00		

- Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.
- A check in the amount of \$ _____ to cover the filing fee (and assignment recording fee) is enclosed.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
- Any additional filing fees required under 37 CFR 1.16.
 - Any patent application processing fees under 37 CFR 1.17.
- The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.
- Any patent application processing fees under 37 CFR 1.17.
 - The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
 - Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

Mark J. Pandiscio 12/16/03
Mark J. Pandiscio
Pandiscio & Pandiscio
470 Totten Pond Road
Waltham, Massachusetts 02154
Tel. (781) 290-0060

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Filing Date: 10/19/2001
Title: SURGICAL SUTURING INSTRUMENT AND
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Group Art Unit: 3731
Examiner: Gary Jackson
Attorney's Docket No.: ONUX-17

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Commissioner for Patents
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Sir:

SUBMISSION OF FORMAL DRAWINGS

Enclosed herewith please find the formal drawings for the above-identified patent application, consisting of Figs. 1-37 on thirty-seven (37) sheets of drawings.

In the event that any fee is required to be paid in connection with the present submission of formal drawings, please charge the cost of the same to Deposit Account No. 16-0221. A duplicate copy of this letter is enclosed for the convenience of the Patent and Trademark Office.

Thank you.

"EXPRESS MAIL" MAILING LABEL NUMBER ER304318512US

DATE OF DEPOSIT December 16, 2003

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER
37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED
TO THE COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA,
VA 22313-1450.

Mark J. Pandiscio

(PERSON MAILING)

Mark J. Pandiscio 12/16/03

(SIGNATURE)

Respectfully submitted,

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Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being filed under the provisions of 37 CFR 1.10.

EXPRESS MAIL MAILING LABEL NUMBER ER304318512US

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I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: COMMISSIONER FOR PATENTS, PO BOX 1450, ALEXANDRIA, VA 22313-1450.

Mark J. Pandiscio

(PERSON MAILING)

Respectfully submitted,

Mark J. Pandiscio 12/16/03

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(SIGNATURE)